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THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRANDI BROOKS,	)	CASE NO. C07-2662 (CRB)
	)	
Plaintiff,	)	<b>[PROPOSED] ORDER GRANTING</b>
	)	<b>DEFENDANT THE REGENTS'</b>
vs.	)	<b>MOTION TO DISMISS FIRST</b>
	)	<b>AMENDED COMPLAINT, FRCP</b>
BOARD OF REGENTS OF THE UNIVERSITY OF	)	<b>12(b)(1)(6)</b>
CALIFORNIA,	)	
	)	Date: September 14, 2007
Defendant.	)	Courtroom: 8, 19 <sup>th</sup> Floor
	)	Time: 10:00 a.m.
	)	Judge: Hon. Charles R. Breyer

Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ("Defendant")'s Motion to Dismiss plaintiff's First Amended Complaint came on regularly for hearing before this Court in Courtroom 8, 19<sup>th</sup> Floor on September 14, 2007 at 10:00 a.m., the Honorable Charles R. Breyer presiding. Adam B. Sugarman of Gordon & Rees LLP appeared on behalf of Defendant. Curtis G. Oler appeared on behalf of Plaintiff.

After full consideration of the submitted papers and oral argument by counsel, IT IS ORDERED that, Defendant's Motion to Dismiss is GRANTED based on Eleventh Amendment sovereign immunity.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
JUDGE OF THE UNITED STATES  
DISTRICT COURT

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon & Rees LLP 275 Battery Street, Suite 2000, San Francisco, CA 94111. On August 3, 2007, I served the within documents:

[PROPOSED] ORDER GRANTING DEFENDANT THE REGENTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT, FRCP 12(b)(1)(6)

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.

Curtis G. Oler  
Law Offices of Curtis G. Oler  
P.O. Box 15083  
San Francisco, CA 94115

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 3, 2007, at San Francisco, California.

  
Bob Lieberman